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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**THE UNITED STATES OF AMERICA *ex*
rel. STEPHEN ELLIOTT AND JAMES
LUNDSTROM, *et al.*,**

Plaintiffs,

v.

**BRISTOL-MYERS SQUIBB COMPANY,
APOTHECON, INC., PAR
PHARMACEUTICAL COMPANIES,
INC., AND PAR PHARMACEUTICAL,
INC.**

Defendants.

Honorable Stanley R. Chesler

Civil Action No. 09-4653 (SRC)

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the settlement agreements between the parties, the United States and Relators Stephen Elliott and James Lundstrom stipulate to the dismissal of the civil action against Defendants Bristol-Myers Squibb Company, Apothecon, Inc., Par Pharmaceutical Companies, Inc., and Par Pharmaceutical, Inc.

1. The Parties have executed written settlement agreements to resolve all claims in this action.

2. Relators stipulate that the settlement agreements and settlement amounts allocated to them in this action are fair, adequate, and reasonable under all the circumstances as defined by 31 U.S.C. § 3730(c)(2)(B).

3. Accordingly, the Parties request that pursuant to FED. R. CIV. P. 41(a) and 31 U.S.C. § 3730(b)(1), the Civil Action be dismissed with prejudice as to relators, with prejudice to the United States and individually named party States as to the intervened claims against Par, and without prejudice to the United States and individually named party States as to all remaining non-intervened claims, subject to the terms and conditions of the settlement agreements. All parties shall bear their own costs except as otherwise agreed.

The parties respectfully request that the Court enter an order in the form of the proposed order attached.

Respectfully submitted,

STUART F. DELERY
Principal Deputy Assistant Attorney General

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By: /s David E. Dauenheimer
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